

WILMER CUTLER PICKERING
HALE AND DORR LLP

Mark D. Selwyn (SBN 244180)
mark.selwyn@wilmerhale.com
950 Page Mill Road
Palo Alto, CA 94304
Telephone: (650) 858-6000
Fax: (650) 858-6100

WILMER CUTLER PICKERING
HALE AND DORR LLP

Leon B. Greenfield (*pro hac vice to be filed*)
leon.greenfield@wilmerhale.com
Amanda L. Major (*pro hac vice to be filed*)
amanda.major@wilmerhale.com
1875 Pennsylvania Avenue NW
Washington, DC 20006
Telephone: (202) 663-6000
Fax: (202) 663-6363

*Attorneys for Plaintiffs
Intel Corporation, Apple Inc.*

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

INTEL CORPORATION and APPLE INC.,

Plaintiffs,

v.

FORTRESS INVESTMENT GROUP LLC,
FORTRESS CREDIT CO. LLC, UNILOC
2017 LLC, UNILOC USA, INC., UNILOC
LUXEMBOURG S.A.R.L., VLSI
TECHNOLOGY LLC, INVT SPE LLC,
INVENTERGY GLOBAL, INC., DSS
TECHNOLOGY MANAGEMENT, INC., IXI
IP, LLC, and SEVEN NETWORKS, LLC,

Defendants.

WILMER CUTLER PICKERING
HALE AND DORR LLP

William F. Lee (*pro hac vice to be filed*)
william.lee@wilmerhale.com
Joseph J. Mueller (*pro hac vice to be filed*)
joseph.mueller@wilmerhale.com
Timothy D. Syrett (*pro hac vice to be filed*)
timothy.syrett@wilmerhale.com
60 State Street
Boston, MA 02109
Telephone: (617) 526-6000
Fax: (617) 526-5000

Case No. 19-7651

**DECLARATION OF MARK D. SELWYN
IN SUPPORT OF INTEL
CORPORATION'S ADMINISTRATIVE
MOTION TO CONSIDER WHETHER
CASES SHOULD BE RELATED**

1 I, Mark D. Selwyn, do hereby declare as follows:

2 1. I am a partner at the law firm of Wilmer Cutler Pickering Hale and Dorr LLP, counsel
3 for Intel Corporation (“Intel”) and Apple Inc. (“Apple”) in the above-captioned case, and counsel for
4 Intel in *Intel Corporation v. Fortress Investment Group LLC, et al.*, No. 5:19-cv-06856-EJD (N.D.
5 Cal.) (“-6856 Action”). I am licensed to practice law in the State of California, the Commonwealth
6 of Massachusetts, and the State of New York, and am admitted to practice before the U.S. District
7 Court for the Northern District of California. I am familiar with the facts set forth herein, and, if
8 called as a witness, I could and would testify competently to those facts under oath. I submit this
9 declaration in support of Intel’s Administrative Motion to Consider Whether Cases Should Be
10 Related Pursuant to N.D. Cal. Civil L.R. 3-3(c) and 3-12.

11 2. Intel filed the -6856 Action in this District on October 21, 2019 against Fortress
12 Investment Group LLC (“Fortress”), Fortress Credit Co. LLC, VLSI Technology LLC, and DSS
13 Technology Management, Inc. The -6856 Action was initially assigned to Magistrate Judge
14 Jacqueline Scott Corley and then was reassigned to Judge Edward J. Davila on November 5, 2019.
15 Intel voluntarily dismissed the -6856 Action on November 20, 2019 pursuant to Federal Rule of
16 Civil Procedure 41(a)(1)(A)(i). At the time Intel dismissed the -6856 Action, no defendants had
17 answered or otherwise responded. On November 15, 2019, the Court granted a stipulation filed by
18 Intel and three of the four defendants setting a deadline of January 6, 2020 for those defendants to
19 answer or otherwise respond to Intel’s Complaint.

20 3. Attached hereto as **Exhibit 1** is a true and correct copy of the complaint filed in the -
21 6856 Action.

22 4. Attached hereto as **Exhibit 2** is a true and correct copy of Intel’s notice of voluntary
23 dismissal of the -6856 Action.

24 5. On November 20, 2019, Intel and Apple filed the above captioned case. The present
25 action adds parties: Apple is another plaintiff, and there are seven new defendants: Uniloc 2017
26 LLC, Uniloc USA, Inc., Uniloc Luxembourg, S.à.r.l., INVT SPE LLC, Inventergy Global, Inc., IXI
27 IP, LLC, and Seven Networks, LLC.
28

1 6. Both the -6856 Action and the present action include claims under the Sherman Act,
2 the Clayton Act, and Cal. Bus. & Prof. Code § 17200 et seq. Both actions arise from anticompetitive
3 patent aggregation by Fortress and a web of PAEs that Fortress owns or controls, with various
4 particularized facts as to Intel and Apple.
5

6 I declare under the penalty of perjury under the laws of the United States of America that the
7 foregoing is true and correct to the best of my knowledge and that this Declaration was executed this
8 20th day of November 2019.
9

10
11 By: /s/ Mark D. Selwyn

12 Mark D. Selwyn

13 Mark D. Selwyn (SBN 244180)
14 mark.selwyn@wilmerhale.com
15 WILMER CUTLER PICKERING
16 HALE AND DORR LLP
17 950 Page Mill Road
18 Palo Alto, CA 94304
19 Telephone: (650) 858-6000
20 Facsimile: (650) 858-6100

21 *Attorney for Plaintiffs*
22 *INTEL CORPORATION, APPLE INC.*
23
24
25
26
27
28